

REMARKS

The present application has been reviewed in light of the Office Action dated June 11, 2008. Claims 30-35, 37, 40-42, 44, 47-49, 51, 53-55, 63, 65-67, 69, and 70 are presented for examination, of which Claims 30, 37, 44, 51, and 63 are in independent form. Claims 69 and 70 have been added to provide Applicant with a more complete scope of protection. Claims 30, 32, 34, 37, 41, 44, 48, 51, and 63 have been amended to define aspects of Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 30-35, 37, 40-42, 44, 47-49, 51, 53-55, 63, and 65-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,668,134 (*Niikawa*) in view of U.S. Patent No. 6,784,924 (*Ward et al.*). Applicant submits that independent Claims 30, 37, 44, 51, and 63, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons

The aspect of the present invention set forth in Claim 30 is directed to an image transferring apparatus including a storage unit, adapted to store image data and an image data transfer instruction unit, which includes a button for instructing image data transfer, adapted to enable a user to enter an instruction to transfer the image data. Also included in the apparatus is a display unit, adapted to display a first screen to enable a user to select between (1) automatically selecting and transferring only image data stored in said storage unit that have not previously been transferred and (2) automatically selecting and transferring all image data stored in said storage unit. The display unit also is adapted to display a second screen to enable a user to select between (1) automatically transferring image data in response to connecting the image transferring apparatus to another apparatus and (2) automatically transferring image data in

response to an instruction to transfer entered by the user with the image data transfer instruction unit.

The apparatus further includes a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by the display unit, and if the selection to automatically select and transfer only image data stored in said storage unit that have not previously been transferred is made, perform control to automatically select and transfer only the image data stored in said storage unit that have not previously been transferred based on transfer history information, and if the selection to automatically select and transfer all image data stored in the storage unit is made, perform control to automatically select and transfer all the image data stored in the storage unit regardless of the transfer history information and (2) to judge a selection selected from the second screen displayed by the display unit, and if the selection to automatically transfer image data in response to connecting the image transferring apparatus to the other apparatus is made, perform control to automatically transfer image data in response to connecting the image transferring apparatus to the other apparatus, and if the selection to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit is made, perform control to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit.

Notable features of Claim 30 include “a display unit, adapted to display a first screen to enable a user to select between (1) automatically selecting and transferring only image data stored in said storage unit that have not previously been transferred and (2) automatically selecting and transferring all image data stored in said storage unit” and “a transfer control unit,

adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by said display unit, and if the selection to automatically select and transfer only image data stored in said storage unit that have not previously been transferred is made, perform control to automatically select and transfer only the image data stored in said storage unit that have not previously been transferred based on transfer history information, and if the selection to automatically select and transfer all image data stored in the storage unit is made, perform control to automatically select and transfer all the image data stored in said storage unit regardless of the transfer history information.” By virtue of these features, a user is not required to select manually each image that has not already been transferred, which may be particularly useful if the user has forgotten which images have been transferred already, for example.¹

Niikawa relates to an image recording device that uses a first storage medium to store image data acquired by a digital camera and related history information, and that uses a second larger capacity storage medium to store image data and history information received from the first storage medium. Apparently, *Niikawa* teaches that the history information may include a date when an image was transferred, among other things (see col. 15, line 36, to col. 19, line 40). Applicant has found nothing in *Niikawa* that is believed to teach or suggest “a display unit, adapted to display a first screen to enable a user to select between (1) automatically selecting and transferring only image data stored in said storage unit that have not previously been transferred and (2) automatically selecting and transferring all image data stored in said storage unit,” as

¹The example(s) presented herein are intended for illustrative purposes only. Any details presented in the illustrative example(s) should not be construed to limit the scope of the claims.

recited in Claim 30 (emphasis added). Indeed, *Niikawa* does not transfer a file based on whether the file has been transferred previously.

Accordingly, nothing has been found in *Niikawa* that is believed to teach or suggest “a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by said display unit, and if the selection to automatically select and transfer only image data stored in said storage unit that have not previously been transferred is made, perform control to automatically select and transfer only the image data stored in said storage unit that have not previously been transferred based on transfer history information, and if the selection to automatically select and transfer all image data stored in the storage unit is made, perform control to automatically select and transfer all the image data stored in said storage unit regardless of the transfer history information,” as recited in Claim 30.

Ward et al. relates to a digital camera that can receive, from a personal computer, a file containing instruction information for communicating with a desired destination via a communication interface. Apparently, *Ward et al.* teaches that, after the file is received, a user may actuate a send button that causes images, which have been selected manually by the user, to be transferred from the camera to the desired destination via the communication interface. In addition, the user must always provide an instruction to transfer that causes the camera to transfer image data. That is, as discussed at col.3, lines 44-49, “if there is a request to send an image, the user ensures that the camera is connected to the appropriate service (wired telephone line, cellular phone, kiosk, etc.) and pushes a ‘send’ button in the user button section 26, or selects a ‘send’ menu option on the LCD 24.”

The Office Action again alleges that *Ward et al.*, at col. 2, lines 1-11, and col. 3, lines 14-49, teaches a display unit adapted to display a second screen to enable a user to select between (1) automatically transferring image data at the time of connection of the image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit. Applicant respectfully disagrees for the same reasons discussed in the Amendment submitted March 11, 2008. Nevertheless to advance prosecution of the present application, Applicant has amended the claims to change recitations of “at the time of connecting” to “in response to connecting.” Nothing has been found in *Ward et al.* that is believed to teach or suggest “a second screen to enable a user to select between (1) automatically transferring image data in response to connecting said image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with said image data transfer instruction unit,” as claimed in Claim 30 (emphasis added). Accordingly, nothing has been found in *Ward et al.* that would remedy the above-mentioned deficiencies of *Niikawa*.

Based on the foregoing remarks, Applicant submits that a combination of *Niikawa* and *Ward et al.*, assuming such combination would even be permissible, would fail to teach or suggest “a display unit, adapted to display a first screen to enable a user to select between (1) automatically selecting and transferring only image data stored in said storage unit that have not previously been transferred and (2) automatically selecting and transferring all image data stored in said storage unit” and “a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by

said display unit, and if the selection to automatically select and transfer only image data stored in said storage unit that have not previously been transferred is made, perform control to automatically select and transfer only the image data stored in said storage unit that have not previously been transferred based on transfer history information, and if the selection to automatically select and transfer all image data stored in the storage unit is made, perform control to automatically select and transfer all the image data stored in said storage unit regardless of the transfer history information,” as claimed in Claim 30. Accordingly, Applicant submits that Claim 30 is patentable over *Niikawa* and *Ward et al.*, and respectfully requests withdrawal of the rejection of Claim 30 under 35 U.S.C. § 103(a).

Independent Claims 37, 44, 51, and 63 include features similar to those discussed above, therefore, those claims also are believed to be patentable for at least the reasons discussed above. The other claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

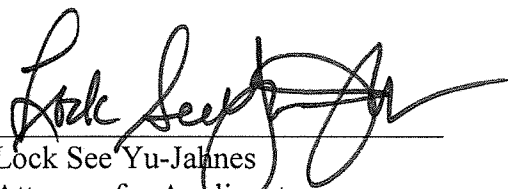
This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant’s undersigned attorney in an effort to resolve such issues and advance the case to issue.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and an early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lock See Yu-Jahnes', written over a horizontal line.

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